

VERMONT STATE BOARD OF EDUCATION
Montpelier Room, Capitol Plaza Hotel & Conference Center, 100 State Street, Montpelier
September 18, 2012

The State Board of Education shall sustain a vision of high skills, creative thinking, and love of knowledge and learning for every student by setting education policy that ensures student achievement in a safe and healthy learning environment.

Approved MINUTES

Present:

State Board of Education (SBE):

Stephan Morse; Kathy Larsen; Brian Vachon; Lachlan Francis; Laura Harris; Sean Marie-Oller; Bill Mathis; Don Collins; Bonnie Johnson-Aten

Department of Education (DOE):

Armando Vilaseca; Carol King; Angela Ross; John Fischer; Deb Price; Marta Cambra; Vaughn Altemus; Alice Farrell; Bill Talbott; Kate Rogers; Karin Edwards; Brynne Reed; Pat Pallas-Gray; Tom Alderman; Mark Oettinger

Others:

Martha Allen, VT-NEA; Steve Dale, VSBA; Ken Page, VPA; Steven John, VSBPE; Patti Coultas, VTC/VSBPE; Jo-Anne Unruh, VCSEA; Mill Moore, VT Independent Schools Association; Wendell Coleman; Retta Dunlap; Michelle Gagne, homeschool parent; Elisabeth Gagne, homeschool student; Karin Barrup homeschool parent; Aaron Barrup, homeschool student; Hannah Barrup, homeschool student; Caleb Barrup, homeschool student

Item A: Call to Order, Pledge of Allegiance

Stephan Morse, Chair, called the meeting to order at 9:04 a.m. and led the group in the Pledge of Allegiance.

Item B: Roll Call and Introductions

Chair and Board members introduced themselves.

Item C: Announcements & Updates

No Announcements from the Board.

Item D: Public to be Heard

Elizabeth Gagne, Retta Dunlap, and Karen Barrup spoke to Homeschool concerns advising that the SBE and Commissioner are the homeschool administrators as homeschools don't have school boards, that they believe the commissioner serves the role of principal. Dunlap spoke to history of homeschool, House Ed committee meetings, and involvement of Kevin Kite, attorney. Dunlap advised that they have created their own draft language regarding CHINS, abuse registry, and hearings. Gagne stated that Dunlap is the homeschool community's voice and avenue for information; she attends meetings on their behalf. Gagne supports Dunlap's request for a meeting (public forum) with Commissioner Vilaseca to discuss the memo and to discuss proposed statutory changes. Barrup also commended Dunlap's work for the homeschool community, and

advised that she (and the homeschool community) want to work with the DOE and want a better understanding of the legislation and policy. Barrup also supported the request for a public meeting. Commissioner Vilaseca spoke to history of homeschool, explained that over his tenure he has been trying to make the homeschool process easier. Commissioner Vilaseca advised he cannot morally bend on two issue: the first is that if a person has been registered as a child abuser he/she cannot homeschool, the second is the CHINS process – advising that DCF is heavily involved and that the DOE meets with Commissioner Yacovone and DCF regularly. Commissioner Vilaseca stands behind the recent memo he sent to the homeschool community and his interpretation of the law. Commissioner Vilaseca has met with Senator Phil Baruth regarding proposed legislation and has been in contact with Retta Dunlap; he advised that he will not put the DOE in a position where the DOE would overturn another State Agency's decision as well as putting law in place to protect the State, i.e. a child comes back 20 years from now claiming they were not properly educated via homeschool. Commissioner Vilaseca summarized by stating that the overall perspectives of the DOE and the homeschool community are the same: figuring out how to provide the best education for Vermont's kids. Commissioner Vilaseca and the DOE are looking for clarity and ultimately how to protect kids that are being homeschooled. Chair Morse concluded discussion by encouraging the Homeschool community to continue the dialogue with the DOE.

Updates

Item E: Chair's Report and Priorities Update

Chair Morse informed the Board that Judy Livingston has submitted letter of resignation from the Board to Governor Shumlin. Chair Morse encouraged the Board to give him names for the governor's consideration. Further, Chair Morse advised that Kathy Larsen and Brian Vachon's terms will conclude in February. Larsen is the representative to the New England Secondary Schools Consortium (NESSC); Vachon to the Vermont Standards Board of Professional Educators (VSBPE) which are responsibilities that the Board will continue. Larsen and Vachon advised of time commitments and travel in respect to NESSC and VSBPE. Chair Morse encouraged the Board members to let him know if they interested as it would be best to learn now in preparation for March 2013.

Chair Morse introduced the SBE priorities for July 2012 – June 2013, thanked John Fischer and Carol King for preparing the document, and invited John Fischer to speak to the priorities. Deputy Commissioner Fischer summarized the overarching goal of the DOE and invited discussion and questions from the SBE. Fischer spoke to Priority #1, School Improvement = School Effectiveness, the DOE is broadening the scope of work with schools which is a large part of the Department's reorganization; the change of terminology is important as the DOE is moving away from NCLB and encouraging 21st Century Skills, multiple pathways to graduation, innovative schools, arts, Green Mountain Star, SLDS, and working with stakeholders and partners in education. Deputy Commissioner Fischer invited the Board to give feedback to the DOE in terms of their vision for PK-Career education, as well as continuing to align DOE and SBE strategic initiatives and priorities. Mathis spoke to poverty, disabilities, and ELL piece of Priority #1. Chair Morse advised the Board that they will be discussing Priority #1 in depth at the October Board meeting. Collins commended the DOE for changing the terminology to School Effectiveness as it's important to communicate with the community that the DOE is here to assist. Chair Morse spoke to Priority #8: Technology as he feels that the SBE and DOE should be more aggressive with technology integration and would like to discuss more in depth at a future Board meeting.

Item F: [Act 98 of 2012](#) Transition Planning & Search Committee Update

Chair Morse gave update on search committee: established a job description, job posting (deadline for applications is October 5, 2012), recommendation to the Board and Governor by the December meeting. Chair Morse also spoke to changes in the Board come January, 2013, including budget development and staffing. Chair Morse advised the committee chose not to use search firm to lessen costs and feels that the Secretary posting has been adequate. Collins requested clarification in the process, questioning if the search committee will be updating the Board on candidates. Chair Morse advised that the committee has not opened the applications as yet and will keep Board members apprised of candidates in a confidential manner, and will request the Board's approval for the three recommendations.

Item G: Commissioner's Update

Commissioner Vilaseca spoke of the Hazing, Harassment, and Bullying Prevention Advisory Council, clarifying its purpose and noting that the council includes student representatives. He advised that it's about providing support to schools and creating a safe environment for students. The Council will meet four times a year, and the first priority is to create policy for schools to use in terms of bullying, hazing, and harassment.

Vilaseca spoke about reorganization and changes at the DOE, the focus on School Effectiveness, Technology, and emphasized that the goal for the Department/Agency is to advocate for students' education and to provide them with as many opportunities as possible. He attended an SBAC meeting in St. Louis to discuss the assessment, noting that a decision was made that it will be spring testing and that Vermont is a governing state. Vermont's last NECAP testing will be fall 2013, and the next testing will be spring 2015 via Smarter Balanced (SBAC). Vermont will be a pilot state.

Commissioner Vilaseca also spoke to the nutritional changes in school meal offerings and subsequent price increases in lunches in order to meet federal requirements. He commended the work of the food service staff – emphasizing that they have the best interests of students in mind. He further advised that if the schools menus meet federal requirements there is an additional \$0.06 per meal reimbursement; how beneficial it would be if the menus/meals were created at the supervisory level (streamline process) vs. individual schools.

Vilaseca spoke to a recent NESSC meeting, advising that New England state participation has grown; talking about Common Core and Smarter Balanced, advised Smarter Balanced assessment will be online and the DOE is working with schools in terms of bandwidth.

Vilaseca advised with the beginning of the school year he has been visiting several schools. Oller commended the Farm-to-School movement; Commissioner Vilaseca thanked Oller for making that point as he fully supports the buy local approach and encourages partnerships of schools and farms. Morse spoke to the requirement to send menus to the DOE for review; obesity; and lack of conversation around physical education and health – need to discuss more at future Board meeting.

Chair Morse called recess at 10:29 a.m.

Board reconvened at 10:38 a.m.

Action Items

Item H: Initiation of Rulemaking: Special Education Rules (Parts B & C) Revisions

Mark Oettinger gave a brief overview of the rulemaking process, including submission to ICAR (at its next meeting on October 15, 2012), newspaper publication, public hearings, receipt of written public comment, submission to LCAR, and the role of the Secretary of State throughout the process. John Fischer, Alice Farrell and Kate Rogers gave an overview of the proposed rule changes (largely focused on support for Vermont children with disabilities from birth to age 3), and invited questions from the Board. Chair Morse questioned the process for implementation of the changes as DOE is a co-lead with AHS on Part C, and also questioned the financial ramifications. Commissioner Vilaseca spoke to previous collaborations between DOE and DCF and how that helps schools. The importance of effective transition from early education to school for students with disabilities was discussed. Collins questioned whether issue is controversial. Two public hearings are anticipated, and Collins questioned whether this is enough. Rogers advised that AHS will also be conducting public meetings. Oller voiced concerns for her local SU (Bennington) regarding the definition of LEA, and its implications for legal liability of the supervisory union and its component districts, as well as the impact of Act 153. Commissioner Vilaseca advised that the proposed changes will not take place until 2015, and that currently the LEA is the district of residence of the child. Vaughn Altemus spoke to Act 153 and related legislation, and advised this is very much a work in progress. Steve Dale spoke to Act 153, Act 156, and the legal definition of LEA. Oettinger advised that the purpose of the changes are technical, and agrees with the Commissioner that LEA changes are a larger question that will be under discussion over the next two years. Mathis voiced concerns about the size of the document (52 pages), and about the Board's ability to understand it. He requested that a summary in layman's terms be created for the board. Larsen stated that she believes the Board has enough information on the changes, and feels that the Board can vote. Vachon agreed with Mathis, and would like a two to three paragraph summary. Farrell verbally summarized what the DOE and AHS are doing in concert to meet federal requirements, and that the changes will ensure that we are all working together. Fischer agreed that the DOE will come back with a two to four paragraph summary. Chair Morse agreed that a summary document would be beneficial for the Board but would like to continue with vote today due to the October 5, 2012 submission deadline for ICAR.

Motion: Mathis moved, seconded by Vachon, that the State Board of Education vote to initiate the rulemaking process with respect to proposed revisions to SBE Rule 2360-2363 (Part B and Part C) to comply with the Code of the Federal Regulations to continue receiving federal funding. The motion passed unanimously (7-0).

Item I: Waiver Request: 16 V.S.A. §261 (d): North Country SU

Motion: Oller moved, seconded by Collins, to remove the request tabled at the May 15 Board meeting. the motion passed unanimously, moving the tabled item back up for discussion.

Mark Oettinger provided a brief history of North Country SU, stating that the Newport Town board had changed its membership from three to five members and that all five members to sit on SU board instead of the three. One page document – only change is for permission to go from three to five for Newport Town. The important section of the law is that this action cannot impair or create disproportionate representation.

Oettinger noted that this is a unanimous request of all the Boards constituting the SU.. Chair Morse recapped, update name and increase representation from three to five voting members.

Motion: Oller moved, Mathis seconded, that the State Board of Education vote to waive the provisions of 16 V.S.A. §§ 262(b), 263 and 266, to the extent necessary, to permit amendments to the North Country Supervisory Union bylaws, as requested approval. The motion passed unanimously (7-0)

Item J: Consent Agenda

Motion: Oller moved, seconded by Mathis, to approve consent agenda, with comment.

1. **Minutes of August 21, 2012 SBE Meeting**
2. **Independent School Actions** (Pat Pallas Gray)
 - Renewal of General Independent School Approval
 - Lake Champlain Waldorf School, Shelburne & Charlotte; grades K-12

 - Renewal of General & Special Education Independent School Approval
 - Austine School, Brattleboro; grades K-12
3. **Ed Flex Waiver Requests** (David Baroudi)
 - Beeman Elementary School, New Haven (10% set aside)
 - Robinson Elementary School, Starksboro (10% set aside)
4. **Lamoille South Education District (LSED) Planning Committee Report: Suspension of Approval** (Mark Oettinger, Vaughn Altemus)
5. **Waiver of State Board of Education Rule 2603(8): Wallingford School Board (Wallingford Elementary School Pre-K Program)** (Manuela Fonseca; Mark Oettinger)

Collins asked about moving forward with the Education Quality Standards as related to the presentation at the August meeting by Elaine Pinckney and Martha Tucker. Vilaseca and Fischer noted that it would occur as part of the appointment and work of the Education Quality Standards Commission.

The motion passed unanimously (7-0).

Discussion Items

Item K: Education Quality Standards Commission

Deputy Commissioner John Fischer spoke to the proposed appointments to the Education Quality Commission and Vermont Superintendents Association (VSA) involvement. Chair Morse asked when the recommendations would be presented to the Board; Fischer advised a goal of late Winter/early Spring 2013 but will give updates to Board on the Commission's progress on a regular basis. Johnson-Aten, Mathis, and Collins gave feedback on Commission's goals/initiatives; Chair Morse questioned the Commission's work in terms of upcoming changes in January 2013.

Wendell Coleman, advised that he is a school board rep but clarified that he is here representing himself. He spoke to rulemaking process and his experiences in the legislative process, emphasizing the importance of understanding rules and making sure rules are understandable to the community as a whole (laymen terms).

Motion: Oller motioned, Vachon seconded, that the State Board of Education vote to approve the proposed list of individuals to serve on the Education Quality Standards Commission, and further, if additional members are needed/required, those appointments will be approved by the SBE chair. The motion passed unanimously (7-0).

Item L: Closing Public Schools

Commissioner Vilaseca feels it's important for the Board to talk about public school closings in a public forum, noting that things changed when Act 68 came into play as education decisions are not just local due to the way that education is funded (out of a pool of funds from the state). Chair Morse further stated that he agrees with Commissioner Vilaseca that it is important to have a general discussion about public schools closing in order to become a private school, pointing out that this is not a discussion about a specific school. Mathis agrees on the need to keep the two topics separate: this is a general discussion about public schools closing to become private and the current law that is in place. Francis spoke to Horace Man/Boston (read from law book – section 166), addressed philosophical concerns in privatizing schools in terms of how that affects society as a whole. Chair Morse spoke to 16 V.S.A. § 166 and the need to look at this language and the additional questions that need to be asked when public schools want to become private. Johnson-Aten questioned how often this happens; Vachon questioned discussions in connection with consolidation; Morse spoke to local control and voluntary mergers. Oller agreed with Mathis and Francis' views and reiterated the Board's mission in terms of Vermont's public education system as well as a community's perception of local control vs. reality when a school becomes private as the requirements are not the same as public school – no longer free and public education. Oller further stated that she does not believe that the intent of the law was for a public school to transition to private at the cost of the taxpayers. Mathis concurred and stated that the Board should address concerns through the legislature as there is a need to clarify the law. Harris questioned when the law was created. Morse believes the law was created for schools like Waldorf when there are multiple schools in the community; the only other example is in Winhall. Bill Talbott spoke to the Town of Winhall school board and the Mountain District's school board, explained tuition bills (Winhall is a resort town), and 16 V.S.A. sections 563-7, 821 = elementary, 822 = secondary, school choice, and Act 60. Talbott also spoke to Independent Schools and special education: private schools are not required to provide special education services but public schools are. Steve Dale, VT School Boards Association (VTVSBA), advised of discussions around the issue and advice the VTVSBA is giving regarding school board governance, believes that the notion of privatizing schools is an issue. Dale advised that it is important for the community to understand the pros and cons; fundamentally there is a redefinition of school; there is no longer public accountability; no longer public school board; and the issue of residency/tuition is increased dramatically when the choice to privatize school is made. Mill Moore, VT Independent Schools Association (VISA), advised here to speak as self not on behalf of VISA. Moore addressed Act 153. Dale concurred that there is public interest/concern regarding Act 153. Moore discussed independent school concerns, specifically attendance – control ultimately resides with parents as to what school a child will attend. Moore spoke to the complexity of special education and tuition in terms of privatizing education. Commissioner Vilaseca advised that he considers the long-standing independent schools part of the public school community; he concluded discussion advising the issue of concern is using public funds to pay for private schools vs. utilizing public schools, re-emphasized declining enrollment

numbers and cost of education. Mathis stated that it is important to encourage communities to work together in the interest of Vermont's children, consolidation efforts, and potential micro-schools. Chair Morse and Board agreed that they would like the DOE to review the law, speak with stakeholders in the field, and to make suggestions of potential changes to the Board in November. Larsen clarified that this area is of particular interest to the Board and should be part of their regular legislative discussions.

Item M: Adjourn

Motion: 12:27 p.m., Oller moved, seconded by Johnson-Aten, to adjourn the September 18 meeting of the State Board of Education. The motion passed unanimously.

The Agency Secretary Search Committee met immediately following the meeting.

Minutes recorded by Angela Ross

Minutes prepared by Carol King